IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

CARBONE'S FINE FOODS AND WINES	§	
LLC,	§	
	§	
Plaintiff,	§	
	§	Case No. 3:22-cv-01184-E
v.	§	
	§	
CARBONE RESTAURANT LLC,	§	
CARBONE FINE FOOD LLC,	§	
THE MAJOR FOOD GROUP LLC,	§	
MAJOR INTELLECTUAL LLC, and	§	
CARBONE CAFÉ LLC	§	
	§	
Defendants et. al.	§	

[PROPOSED] ORDER GRANTING PLAINTIFF CARBONE'S FINE FOODS AND WINES LLC'S MOTION FOR A PRELIMINARY INJUNCTION

Presently before the Court is Plaintiff Carbone's Fine Food and Wine, LLC's ("Plaintiff") Motion for Preliminary Injunction against Defendants Carbone Restaurant LLC, Carbone Fine Food LLC, The Major Food Group, LLC, Major Intellectual LLC, and Carbone Café LLC (collectively, "Defendants"). The Court, having considered the submissions of the parties and having heard oral argument, has determined Plaintiff is likely to succeed on the merits of its claims, is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in Plaintiff's favor, and that an injunction is in the public interest.

The Court hereby grants Plaintiff's Motion in its entirety and IT IS HEREBY ORDERED that:

1. Defendants are enjoined from using the CARBONE name and Mark in association with restaurant and bar services, and food goods, including advertising for the same, in Texas.

Specifically, with regard to Defendants' competing restaurant, Defendants are prohibited from using the CARBONE name and Mark in the state of Texas through:

- a) its website, press releases, email communication, or other forms of marketing and solicitation;
- b) advertising brochures, catalogs, newspaper ads, articles, and trade publications;
- c) by signage, notices, banners, billboards, or other physical displays;
- d) media outlets, including but not limited to, television, livestreams, podcasts, movies, and radio;
- e) social media, including platforms such as Facebook, Twitter, Instagram, Tik Tok, Pinterest, and Tumblr, displaying any geolocation, geotags, geographic identifiers, or location services identifying the user's geographic location in the state of Texas.
- 2. Defendants are also enjoined from marketing, offering for sale, and selling prepackaged food in the form of pasta sauce or other goods under the CARBONE Mark, including promotion of the same, in the state of Texas through:
 - a) its website, press releases, email communication, or other forms of marketing and solicitation;
 - b) advertising brochures, catalogs, newspaper ads, articles, and trade publications;
 - c) by signage, notices, banners, billboards, or other physical displays;
 - d) media outlets, including but not limited to, television, livestreams, podcasts, movies, and radio;

e) social media, including platforms such as Facebook, Twitter, Instagram, Tik

Tok, Pinterest, and Tumblr, displaying any geolocation, geotags, geographic

identifiers, or location services identifying the user's geographic location in

the state of Texas.

3. Defendants are further enjoined from using, promoting, and operating the website

https://carbonedallas.com/.

4. Defendants are enjoined from using, promoting, and operating the website

https://carbonefinefood.com/ in the state of Texas.

5. Defendants are also enjoined from using, promoting, and offering location services

via Uber under the CARBONE Mark in the state of Texas.

6. Plaintiff is excused from having to post bond.

IT IS SO ORDERED.

Dated:	
	Hon. Ada Brown
	United States District Court Judge